IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.26296 of 2007

Dated: December 11, 2007

Between:

Tummallacheruvu Krishna Reddy, S/o. Muniswamy Reddy,
Hindu, aged about 62 years, Occ: Cultivation,
R/o. Brahmanapattu village, Tirupathi Rural Mandal,
Chittoor District.

... Petitioner

And

The District Collector, Chittoor District,
and others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the action of the second respondent in not passing any orders on the application filed by the petitioner for grant of stay in the appeal dated 05-11-2007 filed by him against the order of the third respondent dated 09-09-2007 as arbitrary and illegal.

2. In the affidavit filed in support of the writ petition, it is stated that

one Pasala Pedda Munigadu, S/o. Munigadu was assigned Ac.2.97 cents of dry land in S.No.67 at Kotturu village, Tirupathi Rural Mandal, Chittoor District, by the then Tahsildar, Chandragiri. It is stated that the said person leased out the land in favour of the petitioner on 31-12-1983 and since then petitioner has been cultivating the same. The case of the petitioner is that the original assignee died and subsequently his L.R. s have sold the said land to him by registered sale deed dated 12-12-1999. It is stated that the third respondent, Tahsildar, Tirupathi Rural Mandal, issued notice in Form No.1, to Pasala Pedda Munigadu, who is the legal heir of the original assignee and notice in Form No.2 to one Kuppam Prakash Rao and passed the order dated 09-09-2007 ordering resumption of the land in question.

3. The case of the petitioner is that though his name has been referred in the order dated 09-09-2007 as the purchaser of the land in question, however, no notice has been issued to him before passing the said order. It is stated that against the order dated 09-09-2007, petitioner filed an appeal before the second respondent, Revenue Divisional Officer, Tirupathi, on 05-11-2007 along with an application seeking stay of the said order. As no orders have been passed on his application, the petitioner has approached this court.

4. As the appeal filed by the petitioner against the order of the third respondent dated 09-09-2007 is pending before the second respondent, it is for the said authority to consider the correctness or otherwise of the said order.

5. As much as it is stated that the petitioner has been in longstanding possession of the land in question by virtue of purchasing the same from the original assignee and as it is alleged by the petitioner that no notice has been served on him though his name

has been referred in the order dated 09-09-2007, I dispose of the writ petition directing the second respondent/appellate authority to dispose of the appeal filed by the petitioner against the order of the third respondent dated 09-09-2007, as expeditiously as possible. It is clarified that the order dated 09-09-2007 shall be not be enforced pending disposal of the appeal filed by the petitioner. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

December 11, 2007
Note: C.C. in 3 days
B.O.
MRR